

1 **RICHARD A. SMITH, WSBA 15127**

2 **SMITH LAW FIRM**

3 **314 No. Second Street**

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5 **Telephone: 509-457-5108**

6  
7 Attorneys for Defendant

8 Jasmine Campbell

9  
10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE EASTERN DISTRICT OF WASHINGTON**  
13 **(Magistrate Judge Mary K. Dimke)**

14 UNITED STATES OF AMERICA, )

15 Plaintiff, )

16 vs. )

17 )  
18 JASMINE CAMPBELL, )

19 Defendant. )  
20

NO. 4:21-CR-6008-SMJ-4

DEFENDANT'S MOTION FOR  
PRETRIAL RELEASE

21 TO: CLERK OF THE COURT; and

22 TO: STEPHANIE VAN MARTER, Assistant United States Attorney

23 **COMES NOW JASMINE CAMPBELL** by her attorney, Richard A. Smith of  
24 ***Smith Law Firm***, and moves this Court for an order of pretrial release on the  
25 following conditions:

26 (1) Obtain a drug and alcohol evaluation and comply with any  
27 recommended treatment;

28 (2) Submit to any drug testing as required or directed by Pretrial Services;

29  
30 DEFENDANT'S MOTION FOR PRETRIAL RELEASE -  
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1 (3) Not leave the Eastern District of Washington without prior approval of  
2 Pretrial Services;

3 (4) Surrender any passport;

4 (5) Maintain her residence as directed by Pretrial Services;

5 (6) Participate in a location monitoring program if deemed necessary by the  
6 Court or by her Pretrial Services Officer; and

7 (7) Submit to any mental health evaluation and treatment as required as  
8 directed by Pretrial Services.  
9

10 Ms. Campbell's strong ties to the Tri Cities community and the conditions as  
11 identified above can assure this Court that Ms. Campbell will make all future court  
12 appearances and abide by the conditions of her release. Ms. Campbell is not a danger  
13 to the community.  
14

15  
16 **I. PROCEDURAL HISTORY.**

17 An Indictment was filed April 14, 2021 charging four individuals in eight  
18 counts. Ms. Campbell is charged in one conspiracy count (Count 1). Her husband,  
19 Cameron Campbell, was arrested and charged by Indictment in July of 2020. Ms.  
20 Campbell has no prior criminal history.  
21

22  
23 **II. PERSONAL HISTORY AND CHARACTERISTICS.**

24 Ms. Campbell is 30 years of age. She was born in Richland, Washington on  
25 [REDACTED], 1990. Her family moved to California where she resided until her senior  
26 year in high school when she attended a boarding school in Portland, Oregon, Mount  
27 Bachelor High School. After high school she moved to Seattle to attend the Art  
28 Institute of Seattle between 2008 and 2010. In 2010, she returned to the Tri Cities  
29

1 where she has resided ever since. In 2015, she purchased the residence at [REDACTED]  
2 [REDACTED], Richland, Washington, where she currently resides with her two children.  
3 J [REDACTED] L [REDACTED], age 8 and J [REDACTED] L [REDACTED], age 9.

4 Ms. Campbell was employed for the last 11 years as an oncology care  
5 coordinator at Providence/Kadlec in Richland. She has been unemployed since  
6 approximately of August 2020 after her husband was arrested in a related case.  
7

8 She is currently home schooling her two children and attending school online  
9 at Western Governor's University. She is studying to obtain a degree in health care  
10 coordination with a focus on oncology. She possesses a valid driver's license and  
11 believes her mother or grandmother will allow her to use a spare care for travel to and  
12 from court appearances and attorney visits.  
13

### 14 **III. ARGUMENT.**

15 The Bail Reform Act of 1984, 18 U.S.C. § 3141, *et seq.*, requires the pretrial  
16 release of a defendant under the least restrictive condition, or combination of  
17 conditions, that will reasonably assure the appearance of the defendant and the safety  
18 of the community. *United States v. Gebro*, 948 F.2d 1118, 1121 (9<sup>th</sup> Cir. 1991);  
19 *United States v. Motamedi*, 767 F.2d 1403 (9<sup>th</sup> Cir. 1985). Only in rare situations  
20 should release be denied and any doubts regarding the propriety of release should be  
21 resolved in favor of release. *United States v. Gebro*, 948 F. 2d at 1121; *United States*  
22 *v. Motamedi*, 767 F.2d at 1405. Release is required unless no combination of  
23 conditions can reasonably assure the appearance of the person and the safety of the  
24 community. 18 U.S.C. § 3142.  
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26  
27

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1           **a. The presumption of detention is rebuttable.**

2           When a person is charged by Indictment with an offense for which a maximum  
3 sentence of 10 years or more is prescribed under the Controlled Substances Act, the  
4 inquiry into the propriety of detention begins with a rebuttable presumption that no  
5 combination of conditions will reasonably assure the appearance of the person or the  
6 safety of the community. *See* 18 U.S.C. § 3142(e) and (f). The statutory presumption  
7 merely acts to shift the burden of production of evidence to the defendant; the  
8 ultimate burden of persuasion remains on the government. *United States v. Clark*,  
9 791 F. Supp. 259, 260 (E.D.Wash. 1992); *United States v. Mesher*, 707 F. Supp.  
10 1224, 1225 (D.Or. 1989).

11           Even where the presumption applies, the government must establish that the  
12 defendant is a flight risk by a “clear preponderance of the evidence” and that the  
13 person is a danger to the community by “clear and convincing evidence”. *United*  
14 *States v. Motamedi*, 767 F.2d at 1406.

15           **b. Ms. Campbell is not a flight risk.**

16           A defendant must produce only “some evidence” that she is not a flight risk  
17 and does not pose a danger to the community in order to rebut the presumption.  
18 *United States v. Chen*, 820 F. Supp. 1205, 1207 (N.D.Cal. 1992); *United States v.*  
19 *Clark*, 791 F. Supp. At 260. In this case, Ms. Campbell’s residency in the Tri Cities,  
20 her purchase of a home and familial ties to the Tri Cities community should be more  
21 than sufficient to rebut the assumption that she any kind of a flight risk. She rarely  
22 travels outside the State of Washington and on one occasion in the last two years has  
23 traveled outside of the country. She has a passport that she will surrender and no  
24 criminal history. Counsel submits that she is not a risk of flight or non-appearance in  
25 Federal Court.

1           c.     **Ms. Campbell is not a danger to the community.**

2           The burden is on the Government to prove danger to the community by clear  
3 and convincing evidence. *United States v. Clark*, 791 F. Supp. At 260. Ms.  
4 Campbell has no history of violence and the Indictment contains no allegation of her  
5 firearm possession or use of any weapons. “The government’s burden of proof is not  
6 trivial” and “It must point to more than the Indictment to justify detention”. The  
7 Government “must prove by clear and convincing evidence that the defendant poses a  
8 danger to the community”. *United States v. Chen*, 821 F. Supp. at 1208 (citing  
9 *United States v. Gebro*, 948 F.2d at 1121). Ms. Campbell’s husband, Cameron  
10 Campbell, was arrested in July of 2020. Ms. Campbell has been living at her  
11 residence, home schooling her children and attending online classes since his arrest.  
12 If the Government felt that Ms. Campbell was a danger to the community they could  
13 have taken her into custody at any time. Counsel for Ms. Campbell submits that no  
14 evidence exists that Ms. Campbell presents any danger to the community.  
15  
16

17  
18     **IV. RELEASE PLAN.**

19           If Ms. Campbell is released pretrial, she will reside at her own residence at [REDACTED]  
20 [REDACTED], Richland, Washington. If released, she will continue her classes online and  
21 seek employment when required. She will be able to engage in any programming  
22 which this Court requires including a drug and alcohol evaluation and her  
23 participation in any required treatment. If the Court deems it necessary for her to  
24 undergo a mental health evaluation, she will comply and participate in any required  
25 treatment. If necessary for her release, Ms. Campbell is willing to be fitted with a  
26 Global Positioning Device and will abide by all restrictions that may be placed upon  
27 her by this Court and her Pretrial Services Officer.  
28  
29

1 DATED this 23rd day of April, 2021.

2 Presented by:

3  
4 /s/ Richard A. Smith

5 RICHARD A. SMITH, WSBA #15127

6 SMITH LAW FIRM

7 314 No. Second Street

8 Yakima, WA 98901

9 (509) 457-5108

10 rasmith@house314.com

11  
12 CERTIFICATE OF SERVICE

13 I hereby certify under penalty of perjury of the laws of the State of Washington  
14 that on April 23, 2021, I electronically filed the foregoing with the Clerk of the Court  
15 using the CM/ECF System which will send notification of such filing to the  
16 following:

17 Stephanie Van Marter, Assistant United States Attorney.

18  
19 /s/ Lugene Borba

20 Lugene Borba

21 Legal Assistant to Richard A. Smith